

Prior law provided that a person's driver's license would be suspended for 180 days from the date of suspension upon first refusal to submit to a chemical test and 545 days, without benefit of hardship license, on subsequent refusals occurring within five years of the first refusal; however, if the person was under 21 at the time of first refusal, his driver's license would be suspended 180 days from the date of suspension.

Prior law provided that until Sept. 30, 2003, if the person submitted to the test and the test results show a blood alcohol level of 0.10% or above, his driver's license would be suspended for 90 days from the date of suspension on first offense, without a hardship license for the first 30 days, and for 365 days from the date of suspension, without a hardship license, on subsequent violations occurring within five years of the first offense. If the person was under 21 on the date of the test and the test results show a blood alcohol level of 0.02% or above, his driver's license would be suspended for 180 days from the date of suspension.

Prior law provided that if the person refused to submit to the test in any case where a fatality occurred or a person sustained serious bodily injury as a result of an accident, his license would be suspended 545 days from the date of suspension without a hardship license.

New law deletes or repeals prior law.

New law provides that if a person refuses to submit to a chemical test when stopped for suspicion of driving while intoxicated, his driver's license will be suspend as follows:

- (a) One year upon a refusal which will be without eligibility for a hardship license if a fatality or serious bodily injury occurs.
- (b) Upon a second or subsequent refusal occurring within five years of a date of a refusal to submit to the test, two years which will be without eligibility for a hardship license if a fatality or serious bodily injury occurs.

New law requires that a person's intoxication must be determined by the trier of fact to be the contributing factor of the fatality or serious bodily injury when such person's license is being suspended for a period of time without benefit of eligibility for a hardship license.

Effective September 1, 2009.

(Amends 32:667(B)(2); Repeals R.S. 32:667(B)(1)(a) and (4))